

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

**INSTRUMENT & VALVE SERVICES
COMPANY**

CIVIL ACTION

VERSUS

NO: 17-00223-BAJ-RLB

THE BURT GROUP, INC.

ORDER

Third Party Defendant BushCo, LLC filed a **Second Motion to Transfer Case to the Western District of Louisiana, Shreveport Division (Doc. 73)**. Third Party Plaintiff the Burt Group, Inc. did not file an opposition. BushCo previously filed a Motion to Transfer (Doc. 26), but after it filed for Chapter 7 bankruptcy, the Court stayed all claims against BushCo, and denied its Motion to Transfer without prejudice. (Doc. 48).

The Burt Group filed a Third Party Complaint against BushCo arising from the alleged breach of a Subcontract agreement for the installation of a roof. (Doc. 17). The Subcontract between the Burt Group and BushCo contains a forum-selection clause stating that venue “for an action shall be either Caddo Parish, Louisiana or the Western District of Louisiana, Shreveport Division.” (Doc. 26-1). Under 28 U.S.C. § 1404 “[f]or the convenience of parties and witnesses, in the interest of justice a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.” Forum selection clauses are presumptively enforceable. *Haynsworth v.*

The Corporation, 121 F.3d 956, 966 (5th Cir. 1997); *Santander Consumer USA, Inc. v. Homer Skelton Enterprises, Inc.*, 2017 WL 3492228, at *1 (N.D. Tex. Aug. 15, 2017). Given this presumption and considering that no party filed an opposition to BushCo's Motion to Transfer, the Court will transfer the Burt Group's Third Party Complaint against BushCo to the Western District of Louisiana, Shreveport Division. To be clear, Plaintiff Instrument & Valve Services claims against the Burt Group will remain before this Court.

Accordingly,

IT IS ORDERED that BushCo is **SEVERED** from this action and Third Party Plaintiff the Burt Group's Third Party Demand (Doc. 17) against Third Party Defendant BushCo is **TRANSFERRED** to the Western District of Louisiana, Shreveport Division.

Baton Rouge, Louisiana, this 3rd day of May, 2018.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**